

1 **ARTICLE XIV**
2 **AMENDMENTS**

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4 **SECTION 28 – 1401 GENERAL**
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6 The regulations, restrictions and boundaries set forth in this Ordinance may from time to
7 time be amended, supplemented, changed or repealed by the Town Council, in accordance
8 with rules and regulations for so doing as stated in the Land Use Article of the Annotated
9 Code of Maryland.

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11 **SECTION 28 – 1402 PLANNING AND ZONING COMMISSION REVIEW**
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13 Any proposed amendment, supplement or change shall be referred by the Town Council to
14 the Planning and Zoning Commission for an investigation and recommendation. The
15 Planning and Zoning Commission shall cause such investigation to be made as it deems
16 necessary and may require the submission of all pertinent data and information by any
17 person concerned; may hold such public hearings as provided by its own rules; and shall
18 submit its report and recommendations to the Council within a reasonable length of time.
19 The Planning and Zoning Commission may, on its own volition, suggest amendments to
20 this Ordinance to the Town Council.

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22 **SECTION 28 – 1403 PUBLIC HEARING**
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24 After receiving the recommendations of the Planning and Zoning Commission, the Town
25 Council shall hold a public hearing in relation to the proposed amendment, at which parties
26 in interest and citizens shall have an opportunity to be heard. The time, place and nature
27 of such hearing together with a summary of the proposed amendment shall be published in
28 a paper of general circulation in Easton once a week for 2 successive weeks with the first
29 such publication appearing at least 14 days prior to the hearing. In the case of a change in
30 classification of a particular piece of property, the property shall also be posted.

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32 **SECTION 28 – 1404 BASIS FOR APPROVING REZONING**
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- 34 A. Where the purpose and effect of the proposed amendment is to change the zoning
35 classification of a specific parcel of land, the Town Council shall make findings of fact
36 in each specific case including, but not limited to, the following matters:
- 37 1. The relationship of such proposed amendment to the Town's Comprehensive
38 Plan.
 - 39 2. The recommendation of the Planning and Zoning Commission.
 - 40 3. Population change.
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 - 42
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4. Availability of public facilities.
5. Present and future transportation patterns.
6. Compatibility with existing and proposed development for the area.
7. Whether the applicant has demonstrated that there has been a substantial change in the character of the neighborhood where the property is located, that there was a mistake in the existing zoning classification or that the current zoning classification of the property deprives the owners thereof of all beneficial use of the property.

B. If the Town Council makes an affirmative finding of fact as to one or more of the standards set forth in Section 28 – 1404.A. (7), it may enact an ordinance changing the zoning classification upon the property. The fact that an applicant has shown change or mistake shall not require the Town Council to grant the requested rezoning and the Town Council shall have the authority to assign a zoning classification to the property different from that requested by the applicant if the Council determines that such classification is the most appropriate classification for the property. The ordinance shall be subject to approval by the Mayor in accordance with the provisions of the Town Charter relating to mayoral vetoes. In determining whether or not to enact an ordinance, the Council may consider, in addition to the factors outlined above, other factors it deems appropriate including but not limited to the degree to which the proposed amendment:

1. Helps accomplish the coordinated, adjusted, and harmonious development of the Town and its environs in accordance with present and future needs;
2. promotes health, safety, morals, order, convenience, prosperity, and general welfare; including among other things, adequate provisions for traffic, the promotion of public safety, adequate provision for light and air, conservation of natural resources, the prevention of environmental pollution, the promotion of the healthful and convenient distribution of population;
3. exemplifies good civic design and arrangement and the stewardship of the Chesapeake Bay and the land as a universal ethic;
4. encourages the conservation of resources, including a reduction in resource consumption;
5. is located in at a location suitable for it given existing and reasonably foreseeable development; and

6. encourages appropriate and sustainable economic growth.

C. A complete record of the hearing and the votes of all members of the local legislative body shall be kept.

D. The provisions of §28 – 1405 A shall not be applicable to floating zone map amendment applications.

SECTION 28 – 1405 TIME LIMITATION ON REHEARING REZONING APPLICATIONS

A. If the Town Council fails to enact an ordinance granting the requested rezoning, no application for a reclassification will be accepted for filing by the Town for a period of one year after the date of the Council’s decision or the date of finality of any judicial review of the Council’s decision, whichever is later.

B. The provisions of Section 28 – 1403 relative to public hearings and official notice shall apply equally to all reclassifications.

SECTION 28 – 1406 AMENDMENT REQUIREMENTS IN THE CRITICAL AREA OVERLAY DISTRICT

A. The Mayor and Town Council may from time to time amend the provisions of this Ordinance as they relate to the Critical Area Overlay District, amend the land use management classification of properties in the Critical Area Overlay District or amend the Critical Area District Boundary.

B. In addition, the Mayor and Council shall review and propose any necessary amendments, as required, to the land use management classification in the Critical Area Overlay District at least every four (4) years.

C. All such amendments shall be approved by the Maryland Chesapeake Bay Critical Area Commission as established in Subsection 8-1803 of the Critical Area Law, Subtitle 18. Standards for Critical Area Commission approval of proposed amendments are as set forth in the Critical Area Law, Subtitle 18 Subsection 8-1809 (i). The Critical Area Commission process for approval of proposed amendments are as set forth in the Critical Area Law, Subtitle 18, Subsection 8-1809 (d).

D. The procedure for amending the provisions of this Ordinance relating to the Critical Area Overlay District shall be the same as that set forth for other amendments to this Ordinance except as follows:

- 1 1. Proposed amendments to the text of this Ordinance as it relates to the Critical
2 Area Overlay District may only be initiated by the Planning and Zoning
3 Commission or the Mayor and Council.
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 - 5 2. Amendments involving specific properties shall first be submitted to the
6 Planning and Zoning Commission.
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 - 8 3. For all proposed amendments the Planning and Zoning Commission shall first
9 hold a public hearing relating thereto, as per Section 28 – 1403 of this Article.
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 - 11 4. The Planning and Zoning Commission shall then forward the proposed
12 amendments to the Mayor and Council for a decision. If a favorable decision
13 is made, the Mayor and Council will forward the amendments to the Critical
14 Area Commission.
15
 - 16 5. After receiving the recommendations of the Mayor and Council, the Critical
17 Area Commission will approve or disapprove the amendment. If approved, the
18 Mayor and Council shall hold a public hearing on the proposed amendment in
19 accordance with Section 28 – 1403 of this Article.
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- 21 E. Amendments to the Critical Area Overlay District Map may be permitted only upon a
22 proof of mistake in the existing Land Use Management Classification.
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